REMARKS

The outstanding rejection of claims 1-2, 6-7 and 9-17 under 35 U.S.C. § 102(e) as being anticipated by Jindal et al., U.S. Patent No. 6,327,622 is respectfully traversed. As was pointed out during the personal Interview, Jindal et al. do not have any concept of creating a "network map" using a set of proxy points that are determined in the following dynamic manner that is now positively recited in each independent claim (with a slightly different wording in claim 7):

"directing a trace route from each of a set of content provider mirror sites toward a given local name server and determining a given point in the Internet where the trace routes from each of the set of content provider mirror sites intersect."

In addition, and as also discussed during the Interview, once the proxy points are determined, they are then probed, once again from each of the set of mirror sites, to generate data indicative of the relative connectivity to the mirror sites from each of the proxy points.

This feature of the present invention is illustrated in Figure 3, reproduced below:

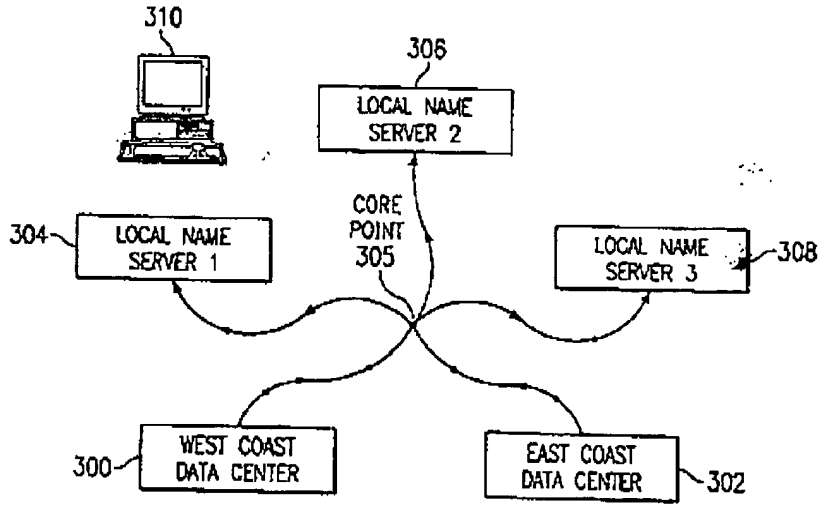


FIG. 3

As illustrated above, a given proxy point (sometimes referred to as a "core" point) is determined dynamically, in particular, by having a trace route issued from each of the data centers 300 and 302 and directed toward a given local name server (such as name server 306).

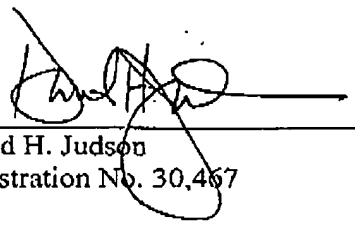
Where those trace routes intersect (in this case, at point 305) is then deemed to be the proxy point for the particular name server 306. A proxy point is dynamically determined in this manner for each of the other local name servers 304 and 308, and the resulting set of "proxy points" are then probed (from each of the mirror sites) to facilitate generation of the network map. Only after the network map is created in this fashion is the map then used to determine which of the set of mirror sites should receive a given DNS query to a given domain (that is mirrored at the sites).

During the Interview, the undersigned discussed the key distinctions between the claimed invention as now described and the teachings of Jindal et al., which is merely a technique for how to select a given application or server (from a mirrored set) that is available to service a given request. At the Interview, it was pointed out that even if the lookup table 102 in Jindal et al. could be construed as a "network map," the data in the table was not generated in the manner now positively recited in the claims. In particular, there is nothing in Jindal et al. that remotely suggests dynamically determining a set of proxy points using the trace routing functionality (i.e., by sending a trace route from each of the set of mirrored sites to a given local name server (and, of course, there are many such local name servers), and then determining the intersection point of the trace routes). This is a dynamic process, as the intersection of the trace routes is not necessarily known a priori. In Jindal et al., there is just one DNS server, but this is simply the central server 100 that performs the mirror site selection, nothing more. While this DNS server may receive update load or other information from each of mirrored sites, the amended claims now require something completely different, namely, that a trace route originate from each mirrored site, and that the location of where these trace routes intersect be considered the "proxy point." In Jindal et al., whatever data is sent to the central server by each mirror site is not a trace route, and certainly not a trace route that is used to identify a proxy point in the Internet. There is nothing remotely like this function taught in the Jindal et al. patent. As was discussed during the Interview, a typical proxy point is some physical location on the Internet (such as a router), not the fixed location of some central server that is handling the actual site selection determination. In the present invention, such as described in detail in claims 1 and 7 for instance, once the proxy points are determined using the trace routing functionality, these points

are then probed, once again from the mirror sites, to generate the relative connectivity data that is used to generate the actual network map. Independent claims 2, 4 and 12 describe this process of "probing" by indicating that "relative connectivity is determined by probing each of the proxy points from each of the set of mirror sites." Once again, because Jindal et al. do not create proxy points in the manner now positively recited, they obviously do not perform the additional steps of probing (or, in the words of claim 7, executing a network test against) the proxy points to generate the data (e.g., latency and/or packet loss data) from which the map resolutions are ultimately determined.

For these reasons, and for the reasons advanced during the Interview, a Notice of Allowance is once again respectfully requested.

Respectfully submitted,



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